

HON'BLE SRI JUSTICE E. DHARMA RAO

W.P.NO.17076 OF 2005

DATED: 3.8.2005

Between:

Dasari Seenaiah

... Petitioner

and

1. The District Collector, Nellore

and another

... Respondents

ORAL ORDER:

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This writ petition has been filed for a writ of Mandamus declaring the action of 2nd respondent in interfering with the possession of the petitioner's land over an extent of Ac.0.90 cents in Sy.No.2419/7 and 2420/10, Allurpet village, Allur Mandal, Nellore District, without any prior notice and without acting upon the representations dated 6.4.2005 and 9.5.2005, as illegal and arbitrary.

The case of the petitioner is that he is in possession and enjoyment of the property over an extent of Ac.0.90 cents in Sy.Nos.2419/7 and 2420/10, Allurpet village, which was purchased from one P. Subrahmanyam on 26.7.2004 by way of registered sale deed. Further, the petitioner also made a representation on 6.4.2005 to the 2nd respondent-MRO for issuance of patta certificate, which was not acted upon. Accordingly, he made a representation to the 1st respondent-Collector to take further action in this regard apprehending threat from the 2nd respondent, who has been trying to dispossess him from the said lands.

It is the case of the petitioner that he is the absolute owner of the said property, which was acquired by him by way of a sale transaction. The petitioner also approached the authorities for issuance of the patta for the said lands by way of representation dated 6.4.2005. It is alleged that though he made a representation on 9.5.2005 to the District Collector-1st respondent requesting him to take appropriate action restraining the 2nd respondent in trying to dispossess the petitioner, no action has been forthcoming.

Having regard to the facts and circumstances of the case, the writ petition is disposed of directing the respondents to consider the representations of the made by the petitioner dated 6.4.2005 and 9.5.2005, within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, the respondents are directed not to dispossess the petitioner from the suit scheduled premises. No order as to costs.

3.8.2005

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